diction of equity to protect rights of personality a dictum expressed with the problem clearly in mind seems preferable. *Vanderbilt* v. *Mitchell*, *supra*. See 21 HARV. L. REV. 54. The court's broad statement, which it seems was not absolutely necessary to a decision, is unfortunate, for it has no very firm standing either on authority or principle. See Roscoe Pound, "Interests of Personality," 28 HARV. L. REV. 343.

EQUITABLE EASEMENTS — CONSTITUTIONAL LAW — EFFECT OF CHANGED CONDITIONS UPON EQUITABLE SERVITUDES. — A statute conferred jurisdiction on a court to determine whether or not "equitable restrictions arising under contracts, deeds, or other instruments limiting or restraining the use or the manner of using land" were enforceable. If such enforcement were found to be inequitable, the court should register the titles to the land free from the restrictions. If the restrictions, however, were valid, though thus unenforceable, and it was found that any person or property entitled to the benefits of the restrictions would be damaged by the non-enforcement, such damages should be assessed and the registration of this unrestricted title be conditioned on the payment of these damages by the petitioner. Land belonging to the petitioner was subject to building restrictions, put on for the benefit of adjoining land belonging to the respondent, in the expectation that this would be a residence district. The neighborhood, however, became suited only to business purposes, and a petition was brought for the registration of title free from these restrictions. *Held*, that the statute as applied to these facts was unconstitutional, in that it provided for the taking of private property for a private purpose. *Riverbank Improvement Co.* v. *Chadwick*, 228 Mass. 243, 117 N. E. 244.

For a discussion of this case see Notes, page 878.

EVIDENCE — PROOF OF FOREIGN LAW — A QUESTION FOR THE COURT. — Defendant negligently caused plaintiff mental anxiety and distress, resulting in physical suffering. The act was committed in Ontario. *Held*, that foreign law is a question of fact for the trial court; that the question is not what has been previously held in the foreign jurisdiction, but what would the decision be if the case arose there today. *Hansen* v. *Grand Trunk Ry.*, 102 Atl. 625 (N. H.).

The decision of a lower court of the foreign jurisdiction is not conclusive evidence of the foreign law. *Schmaltz* v. *York Mfg. Co.*, 204 Pa. 1, 53 Atl. 522. See 16 HARV L. REV. 452. But the decision of the highest court is generally so regarded. *Schmaltz* v. *York Mfg. Co.*, *supra*; *Sealy* v. *M. K. & T. Ry.*, 84 Kan. 479, 114 Pac. 1077. It is conceivable, however, that even such an adjudication may be erroneous, or may have become inapplicable and obsolete. This seems to be the attitude of the court in the principal case. Nor is their position unwarranted. There is a previous decision of the Privy Council on the question here involved. *Victorian Ry. Com.* v. *Coultas*, 13 A. C. 222. It has been severely criticized and expressly repudiated, though no opportunity has arisen to limit or overrule it. See *Dulieu* v. *White*, [1901] 2 K. B. 669. The holding that where the evidence of foreign law includes conflicting expert testimony, the question is nevertheless for the court, is quite modern. Where the problem is simply the construction of a statute or the interpretation of consistent decisions, it is generally agreed that this is within the province of the court. *Bradley* v. *Bentley*, 85 Vt. 412, 82 Atl. 669. See *Bank of China* v. *Morse*, 168 N. Y. 458, 470, 61 N. E. 774, 777. But where the decisions are conflicting, some courts hold that the question is for the jury. *Hancock Nat. Bank* v. *Ellis*, 172 Mass. 39, 51 N. E. 207. The increasing weight of authority, however, is that in such a situation the question is for the court. *Collins* v. *Norfolk & W. Ry. Co.*, 152 Ky. 755, 154 S. W. 37;